

COMMONWEALTH OF MASSACHUSETTS

**NOTICE OF THE REGULARLY SCHEDULED MEETING OF THE
BOARD OF REGISTRATION IN DENTISTRY**

June 3, 2015
239 Causeway Street ~ Room 417 A&B
Boston, Massachusetts 02114

AGENDA

Time	#	Item	Exhibits	Contact
8:30 a.m.	I	CALL TO ORDER		
8:31	II	DETERMINATION OF QUORUM, APPROVAL OF AGENDA, AND NEW MEMBER APPOINTMENT		
8:32	III	ADMINISTRATIVE MATTERS A- DHPL Probation Policy B- Permit M-PDO-DN Application: Dr. Hitesh Tolani C- Board Meeting Calendars for 2016 and 2017 D- Selection of Expert Witnesses E- Advertising by Licensees F- SSN Affidavit G- Board Consideration of Staff Action: Dianne Zolla, RDH H- Professional Designation for Dental Assistants I- Yankee Dental Congress 2016: BORID Update J- Policy on Botox and Dermafillers K- Dental Laboratories L- Random CEU Audits M-GMC Licensure Approval Report	Memos and Attachments	V. Berg, K. O'Connell, J. Mills, J. Greenburg, S. Leadholm B. Young
9:45	IV	COMPLAINT RESOLUTION: PENDING BOARD MATTERS A- DEN-2015-0004: Kelly Bento, RDH B- DEN-2015-0005: Dr. Yoon Kim C- DEN-2014-0090: Dr. Frank Varinos D- DEN-2014-0091: Dr. Rachana Vora E- DEN-2014-0092: Shannon Chambers, RDH	Investigation Reports	D. Taylor, L. Seeley-Murphy
10:05	V	REVIEW OF GENERAL SESSION MINUTES A- Meeting of February 4, 2015 B- Meeting of February 25, 2015	Draft Minutes	B. Young
10:15	VI	FLEX SESSION		

10:30 a.m.	VII	<p>EXECUTIVE SESSION (closed to the public) The Board will meet in Executive Session as authorized pursuant to M.G.L. c. 30A, § 21(a)(1) for the purpose of discussing the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual.</p> <p>Specifically, the Board will discuss and evaluate pending disciplinary complaints that involve patient records and treatment of patients.</p> <p>Specifically, the Board will discuss and evaluate the Good Moral Character of applicants for licensure.</p>		
12:30 p.m.	VIII	<p>ADJOURNMENT</p>		

MASSACHUSETTS BOARD OF REGISTRATION IN DENTISTRY
 239 Causeway Street, Boston, MA 02114
 Room 417
GENERAL SESSION MINUTES
 June 3, 2015

Present: Dr. David Samuels, Board Chair; Dr. Keith Batchelder; Dr. Ward Cromer; Ms. Lois Sobel, RDH; Ms. Kathleen Held; Ms. Jacyn Stultz, RDH; Dr. Cynthia Stevens; Dr. Stephen DuLong; Dr. John Hsu; Ms. Diane Grondin

Absent: Ms. Ailish Wilkie, Board Secretary; Dr. Paul Levy

Staff Present: Barbara A. Young, Executive Director; Jeffrey Mills, Assistant Executive Director; Samuel Leadholm, Esq., Board Counsel; Dr. Liliana DiFabio, Supervisor of Investigations; OPP Investigators Sarah Millar, Eileen Mulligan, Kathleen O'Connell, Lisa Seeley-Murphy and Barbara Yates.

Motion: At 8:32 a.m., to commence the meeting.

Motion Made By: Ms. Lois Sobel

Second: Dr. Stephen DuLong

Vote: Unanimous

Motion: To adopt the proposed agenda for today's meeting.

Motion Made By: Ms. Lois Sobel
Second: Dr. Stephen DuLong
Vote: Unanimous

Administrative Matters:

A. Dr. Milton Glicksman

Ms. Young informed the Board Dr. Glicksman's appointment to the BORID expired in April 2015 and Dr. Paul Levy, a periodontist from Medford, MA, has been appointed by Governor Baker to replace Dr. Glicksman.

B. DHPL Probation Policy

Chief Board Counsel Vita Berg informed the Board a division-wide decision was made to update and/or draft a written probation policy to streamline the handling of probation cases by the probation monitor. Atty. Berg stated the new policy clarifies the role of the probation monitor and delegates authority to the probation monitor and each executive director to monitor a licensee's compliance with probation conditions. For example, Atty. Berg noted a request from a licensee to receive extra time to complete CEUs required by a consent agreement will be granted for up to six months. Further, all licensees will be given the opportunity to cure deficiencies in their compliance, i.e. complying with a missed deadline without resulting in further sanction. If a licensee fails to cure the deficiency, then the case will be returned to the Board by the probation monitor. A licensee will also be given the opportunity to prove compliance with the terms of the consent agreement.

Dr. Samuels asked if the probation monitor will be authorized to grant extra time to a licensee; Atty. Berg stated yes. Ms. Stultz asked if the probation monitor is only authorized to grant one extension; Atty. Berg stated yes. Dr. Stevens asked if this policy was being adopted by all DHPL boards; Atty. Berg stated yes. Dr. Hsu stated he was uncomfortable with the executive director granting extensions and suggested all requests for extensions from licensees should be brought to the Board; Atty. Berg asked if a Board member would be willing to come to DHPL each day to review probation cases and/or requests for extensions.

Motion: To adopt the proposed DHPL Probation Policy

Motion Made By: Dr. Keith Batchelder

Second: Ms. Lois Sobel

Dr. Batchelder asked what is the downside to letting the executive director decide; Dr. Hsu replied that two entities would be given authority and the Board should not delegate its authority to a staff person. Atty. Berg stated only the executive director and assistant executive director would be authorized under this proposed policy. Dr. Samuels noted he agreed somewhat with Dr. Hsu and suggested a Board member be appointed for oversight; Dr. Hsu agreed. Atty. Berg stated then this policy would be withdrawn from the Board's consideration given the Board's stated concerns.

Amended Motion: **To adopt the proposed DHPL Probation Policy and to permit Executive Director Barbara A. Young and/or Asst. Executive Director Jeffrey Mills to monitor probation compliance**

Amended Motion Made By: Dr. John Hsu

Second: None

Dr. Samuels noted the Board is coming off a lengthy period of poor communication between the Board and Board staff and improved communication is critical; Dr. Hsu agreed stating the Board needs to be very transparent in conducting its business. Atty. Berg advised the Board it can draft its own policy but probation cases may not be monitored by the DHPL probation monitor.

Vote: **In Favor:** Dr. Keith Batchelder; Dr. Ward Cromer; Ms. Lois Sobel; Ms. Kathleen Held; Ms. Jacyn Stultz; Dr. Cynthia Stevens; Dr. Stephen DuLong
Opposed: Dr. John Hsu
Abstain: Dr. David Samuels

C. Application for a Permit M PDO Permit – Dr. Hitesh Tolani

Dr. Hitesh Tolani was present for the discussion and vote of the Board on this matter.

Investigator Kathleen O'Connell informed the Board an application for a Permit M PDO Permit was received from Dr. Tolani; Dr. DiFabio noted this was the first time the Board had received an application for teledentistry from a licensee. Dr. Samuels noted that if Dr. Tolani was working under the supervision of the Tufts Univ. dental school then a permit may not be required but noted if Dr. Tolani was billing patients himself for services rendered then a permit may be required. Dr. Tolani replied he is an adjunct faculty member at Tufts and Tufts cannot bill patients for the procedures he will perform. Dr. Tolani stated his goal is to test teledentistry and he will be using the Dentrix software program. Further, Dr. Tolani stated that if a patient needs a referral to a specialist, Tufts has agreed to have their staff review the patient's records.

Dr. Stevens asked if Harvard was pursuing its own permit; Dr. Tolani stated yes. Dr. DuLong asked if all patients will be referred to Tufts; Dr. Tolani stated yes explaining the

diagnosis will come from Tufts dentists but the patients will decide if they will receive treatment from their own dentist or from staff at Tufts. Dr. Stevens expressed concern with diagnostic records being made available to patients; Dr. Tolani patients will be permitted to take copies of their records with them. Dr. Stevens expressed hope that the evaluation of Dr. Tolani's proposed program would result in an increase in the treatment of patients. Ms. Held asked if Tufts will bill the patients; Dr. Tolani stated he would bill the patients. Ms. Held asked about the costs of diagnosis/treatment by specialists; Dr. Tolani replied his grant money will cover the costs of diagnosis by a specialist. Dr. Batchelder noted this program is a concurrent program with one being conducted by Harvard; Dr. Tolani agreed.

Dr. Samuels asked what happens when the project ends; Dr. Tolani stated his goal is to create a sustainable business. Dr. DuLong asked if this project was undertaken to increase access to care or to recruit patients for Tufts; Dr. Tolani replied his goal is to increase access to care.

Motion: **To Approve the Application for a Permit M PDO Permit from Dr. Hitesh Tolani**

Motion Made By: Dr. Keith Batchelder

Second: Ms. Lois Sobel

Vote: **In Favor:** Dr. Keith Batchelder; Dr. Ward Cromer; Ms. Lois Sobel; Ms. Kathleen Held; Ms. Jacyn Stultz; Dr. Stephen DuLong; Dr. David Samuels; Dr. John Hsu
Opposed: Dr. Cynthia Stevens
Abstain: None

D. 2016/2017 BORID Calendar

Mr. Mills asked the Board members to check their personal calendars for potential conflicts as it is time to set the calendar for 2016 and 2017. Mr. Mills reminded the Board it will not meet in August per the custom of the Board. Dr. Samuels asked about the first meeting in January as it is not scheduled for the first Wednesday; Mr. Mills replied that is the case every January as Board staff may not be available the last week in December to prepare the Board packets due to scheduled vacations.

Motion: **To adopt the proposed calendar for 2016 and 2017**

Motion Made By: Dr. Cynthia Stevens

Second: Ms. Lois Sobel

Vote: Unanimous

E. Selection of Expert Witnesses

Dr. Samuels expressed concerns on how experts were selected by prosecutors and referenced two cases where the retained expert disagreed with the Board's recommendations. Dr. Batchelder noted the experts were brought onboard after the Board considered each case and asked if the experts were given copies of the Board minutes; Atty. Leadholm stated the experts were not given copies of Board minutes.

Atty. Leadholm advised the Board he discussed this issue with Chief Prosecuting Attorney Jodi Greenburg; Atty. Greenburg advised that the experts are only given the raw data on each case and that the prosecutors are always looking to expand their list of approved experts. Dr. Batchelder suggested using former Board members as experts. Ms. Sobel disagreed stating a former Board member will always be viewed as biased. Atty. Leadholm advised the Board it may suggest which type of expert should be selected, i.e. for a perio case, retain a periodontist. Dr. DuLong noted a licensee always bring his/her own expert who is likely to be biased in favor of the licensee, so why shouldn't the Board do the same; Atty. Leadholm advised the Board must be aware of due process concerns and the assigned prosecutor can determine if an expert is biased. Dr. Batchelder expressed concern the investigators don't speak with the retained expert about their investigation. Dr. Samuels suggested adding the current list of approved experts to the agenda for the next Board meeting. Ms. Held suggested the experts be provided a copy of each investigative report but Atty. Leadholm advised there needs to be a wall between the Board and the experts.

F. Advertising by Licensees

Atty. Leadholm reported he received a question from a licensee about licensees advertising on products given to patients, i.e. toothbrushes embossed with a dentist's name/address. Dr. Samuels stated he is concerned about an advertisement he saw across the street from the Board offices advertising free services on a certain date. Atty. Leadholm advised the Board its regulations on advertising focus on deceptive ads and suggested the Board adopt an advisory ruling to clarify what's acceptable advertising. Dr. Samuels noted that ads must include the name of at least one licensee. Atty. Leadholm advised that if services offered are listed, then it is considered an advertisement as opposed to listing only an office location/practice name.

Dr. DuLong noted that all licensees should be following the ADA's code of ethics regarding advertising. Ms. Grondin noted it gives an unfair advantage to one licensee over another. Ms. Young stated the Board must be careful it is not restraining trade and suggested listing services without fees is more informative for patients. Dr. Samuels suggested that if a dentist only lists his/her name and address then it is not an advertisement.

Motion: **To clarify the Board's regulations to state that advertisements that do not include fees for services are not advertisements**

Motion Made By: Dr. Keith Batchelder

Second: Ms. Lois Sobel

Atty. Leadholm advised the Board it must not contradict its regulations and suggested he respond to the one licensee that submitted a question. Further Atty. Leadholm suggested the Board draft an advisory ruling for posting on the Board's website.

Vote: **In Favor:** None
Opposed: Dr. Keith Batchelder; Dr. Ward Cromer; Ms. Kathleen Held; Ms. Jacyn Stultz; Dr. Stephen DuLong; Dr. Cynthia Stevens; Dr. David Samuels; Dr. John Hsu
Abstain: Ms. Lois Sobel **(Motion Failed)**

G. SSN Affidavit

Atty. Leadholm advised the Board DHPL is drafting a policy for all boards to use regarding applications for licensure where the applicant does not hold a SSN by requiring the applicant to complete an affidavit stating they will apply for a SSN. Ms. Grondin suggested the applicants apply for and receive a federal identification no. Dr. DuLong noted this issue comes up each year at the BUSDM as the school receives applications for internships from foreign trained dentists.

Motion: **To adopt the proposed DHPL SSN Affidavit form**

Motion Made By: Dr. Stephen DuLong

Second: Ms. Kathleen Held

Vote: Unanimous

The Board took its morning recess at 10:03 a.m. and resumed its meeting at 10:10 a.m.

H. Board Consideration of Staff Action - In re: Dianne Zolla, RDH

The licensee was not present for the discussion and vote of the Board on this matter.

Atty. Leadholm advised the Board this licensee met the criteria for staff action pursuant to the Board's Policy 14-02 for a Consent Agreement for a Reprimand but the licensee said she was aggrieved by the Board's decision and refused to sign the Consent Agreement. Consequently the case was brought back to the Board for its consideration. Atty. Leadholm reminded the Board this licensee practiced dental hygiene for 6 months without an active license.

Dr. Samuels asked if the consent agreement should be changed or should the matter be referred to prosecution; Atty. Leadholm stated he reviewed the investigative report and there was nothing different about this licensee's practicing on an expired license when compared to other similarly situated licensees.

Motion: **To support the application of Board Policy 14-02 to this Licensee and to offer this Licensee a Consent Agreement for Reprimand**

Motion Made By: Dr. Stephen DuLong

Second: Dr. Cynthia Stevens

Vote: Unanimous

I. Professional Designation of Licensed Dental Assistants

Ms. Young informed the Board she received a question from several dental assistants as to how they should identify themselves, i.e. Registered Dental Assistant (RDA) or Licensed Dental Assistant (LDA) once licensed. Mr. Mills stated most AADB member states use RDA; Ms. Sobel agreed. Atty. Leadholm advised the Board an advisory policy on this issue would be a good idea as the regulations are silent on this issue.

Motion: **To recognize all licensed dental assistants as Registered Dental Assistants (RDAs)**

Motion Made By: Ms. Lois Sobel

Second: Ms. Kathleen Held

Vote: Unanimous

J. Yankee Dental Congress 2016: BORID Update

Ms. Young informed the Board she received a request from the Mass. Dental Society regarding the Board's participation in the Minuteman Lecture Series at the YDC 2016. Ms. Sobel suggested the Board continue its presentation at YDC 2016. Ms. Young asked which Board members are interested in presenting; Ms. Sobel, Ms. Held, Ms. Stultz, Ms. Wilkie and Dr. Samuels stated they will participate.

K. Policy on Botox and Derma Fillers

Ms. Young asked the Board for clarification regarding its policy on Botox and Derma Fillers as she received a question for clarification on the term "comprehensive dental treatment plan" from a licensee. Dr. Hsu noted former Board Counsel Marsha Bird raised this question years ago and the Board decided to determine if a licensee violated its policy on a case-by-case basis. Ms. Sobel noted the task group formed at the time to tackle this issue decided Botox and Derma Fillers must be offered as part of a treatment plan and not solely for cosmetic purposes. Dr. DuLong recalled this issue being discussed and stated the Board intentionally left this phrase vague. Atty. Leadholm advised the Board its regulations generally need to be clear to all licensees and if the regulations are purposefully left vague, then how is a licensee to determine

what is permissible and what is prohibited. Dr. Batchelder noted he has the same concerns but asked about standards suggesting if a licensee is qualified to administer Botox and Derma Fillers then why can't that licensee provide cosmetic treatment. Dr. Hsu noted dentistry is evolving in that Botox was initially used to treat migraines.

Dr. Samuels suggested referring the question to the regulatory review workgroup for clarification. Atty. Leadholm advised that this issue is not included in the Board's regulations but rather is only a Board policy/advisory ruling. Further, Atty. Leadholm advised the Board the regulatory review workgroup will likely meet for the next 1-2 years.

Motion: **To refer the advisory ruling on Botox and Derma Fillers to the Regulatory Review Workgroup for clarification of the term "comprehensive dental treatment plan"**

Motion Made By: Dr. Keith Batchelder

Second: Ms. Jacyn Stultz

Vote: **In Favor:** Dr. Keith Batchelder; Dr. Ward Cromer; Ms. Kathleen Held; Ms. Jacyn Stultz; Dr. Cynthia Stevens
Opposed: Ms. Lois Sobel; Dr. John Hsu; Dr. David Samuels; Dr. Stephen DuLong
Abstain: None

L. Dental Laboratories

Dr. Samuels noted the Board does not regulate dental laboratories and expressed concerns about labs sending cases to China where procedures followed and materials used is unknown. Dr. Stevens suggested forming a workgroup to tackle the issues of dental laboratories. Dr. Batchelder noted that any new regulations regarding dental laboratories will likely include new fees and we should check with other states first before pursuing this course of action.

Atty. Leadholm advised the Board it cannot draft regulations regarding dental laboratories in the absence of a statute passed by the legislature and signed by the governor. Ms. Stultz suggested the Mass. Dental Society might be interested in pursuing legislation; Dr. Samuels noted the Board cannot direct the actions of the Mass. Dental Society. Atty. Leadholm advised the Board that dental laboratories cannot advertise for direct patient services. Ms. Sobel noted the dental lab technicians have a strong association and are present at the Yankee Dental Congress each year.

M. Continuing Education Audit (CEU audit)

Dr. Samuels reported he spoke with DHPL Director Jim Lavery regarding the division-wide policy to begin auditing compliance with CEUs by all licensees. Dr. Samuels noted he spoke with representatives from a company who provides CEU auditing services to state

licensing boards at the mid-year AADB meeting. Dr. DuLong noted investigators ask for copies of all CEUs from licensees as part of investigating complaints. Dr. Hsu noted the burden is on licensees to prove the veracity of CEUs completed each licensure cycle. Dr. Stevens noted the goal of the Board is to reduce recidivism and suggested assessing a fine for non-compliance with CEUs would be appropriate. Ms. Ellen Factor of the Mass. Dental Society informed the Board the MDS provides a free CEU registry to its members. Dr. Batchelder noted the Board is missing a revenue opportunity by not assessing fines. Dr. Samuels said he will locate the name of the person he spoke to at the last AADB meeting and forward that name to Mr. Lavery.

N. Report from Executive Director Barbara A. Young regarding Licensure of Applicants with Good Moral Character Issues

Ms. Young reported the following licensure applications were approved between 5/5/15 and 5/26/15 pursuant to the BORID Policy 14-01:

Dr. Stephen Levy	Dentist	DN1856855
Dr. Gordon Averill	Dentist	DN1856859
Dr. Thomas Bushey	Dentist	DN1856880
Demaku Zyrafete	Dental Assistant	DA03412
Tracey Damon	Dental Assistant	DA03413
Maureen McGonagle-Smith	Dental Assistant	DA03414
Alicia Contois	Dental Assistant	DA03502
Colleen Pita	Dental Assistant	DA03550
Rhonda Cullen	Dental Assistant	DA03551
Ann Marie Fotino	Dental Assistant	DA03642
Megan Donovan	Dental Assistant	DA03820
Damian Meola, Jr.	Dental Assistant	DA03821

Complaint Resolution—Investigator Danielle Taylor

--In the Matter of DEN-2015-0004: Kelly Bento, RDH

The licensee was not present for the discussion and vote of the Board on this matter.

Allegation: Unlicensed Practice of Dental Hygiene

Discussion: Investigator Taylor informed the Board the licensee was deficient in the required CEUs but did submit proof of 28 CEUs to renew her expired license. Dr. Hsu asked if the licensee had completed all required CEUs; Ms. Taylor replied the licensee was still short CEUs for the 2013-2015 licensure cycle.

Motion: To offer a Consent Agreement for Reprimand to include 12 CEUs for the 2013-2015 licensure cycle

Motion Made By: Ms. Jacyn Stultz

Second: Dr. Cynthia Stevens

Discussion (cont'd): Ms. Young noted there is no way to monitor the licensee's compliance with the missing CEUs in a consent agreement for a reprimand. Dr. DuLong recognizes licensees may have difficulty renewing their licenses in a timely manner due to personal issues but does not agree with a consent agreement for a reprimand.

Ms. Grondin agreed stating everyone faces personal issues but licensees are still required to complete the requisite CEUs in a timely manner each licensure cycle.

Vote: **In Favor:** Dr. Cynthia Stevens; Ms. Jacyn Stultz; Dr. John Hsu; Ms. Lois Sobel
Opposed: Dr. David Samuels; Dr. Stephen DuLong; Ms. Kathleen Held; Dr. Ward Cromer; Dr. Keith Batchelder
Abstain: None

(Motion Failed)

Motion: **To offer a Consent Agreement for Probation for 6 Months to include 12 CEUs for the 2013-2015 licensure cycle.**

If this agreement is not accepted by the licensee, the matter will be referred to prosecution.

Motion Made By: Dr. Stephen DuLong

Second: Ms. Lois Sobel

Discussion (cont'd): Ms. Grondin asked if this would include the Yankee Dental Congress; the Board answered no.

Amended Motion: **To offer a Consent Agreement for Probation for 9 Months to include 12 CEUs for the 2013-2015 licensure cycle.**

If this agreement is not accepted by the licensee, the matter will be referred to prosecution.

Amended Motion Made By: Dr. Keith Batchelder

Second: Dr. Stephen DuLong

Vote: **In Favor:** Dr. David Samuels; Dr. Stephen DuLong; Dr. Ward Cromer; Dr. John Hsu; Ms. Kathleen Held; Ms. Lois Sobel; Dr. Keith Batchelder
Opposed: Dr. Cynthia Stevens
Abstain: Ms. Jacyn Stultz

Complaint Resolution—Investigator Danielle Taylor

--In the Matter of DEN-2015-0005: Dr. Yoon Jae Kim

The licensee was not present for the discussion and vote of the Board on this matter.

Allegation: Employing an Unlicensed Dental Hygienist

Discussion: Investigator Taylor informed the Board this licensee was the employer of Ms. Bento and was also deficient in the required CEUs in infection control, pain management and CPR/BLS.

Motion: **To offer a Consent Agreement for Reprimand**

If this agreement is not accepted by the licensee, the matter will be referred to prosecution.

Motion Made By: Dr. Keith Batchelder

Second: None

Discussion (cont'd): Mr. Mills asked who the hygienist worked for before Dr. Kim; Ms. Taylor replied Ms. Bento worked for Dr. Joseph Nash before working for Dr. Kim. Ms. Stultz asked if the licenses of all licensees in Dr. Kim's office were posted as required; Ms. Taylor replied she did not know.

Motion: **To dismiss the complaint as no evidence of violation found with an advisory letter on CEU compliance and posting of licenses.**

Motion Made By: Dr. John Hsu

Second: Dr. Ward Cromer

Vote: Unanimous

Complaint Resolution—Investigator Lisa Seeley-Murphy

--In the Matter of DEN-2014-0090: Dr. Frank Varinos

The licensee/practice owner was not present for the discussion and vote of the Board on this matter.

Allegation: Infection Control Violations

Discussion: Investigator Seeley-Murphy informed the Board the licensee/practice owner owns five offices and this complaint focuses on the Arlington office. Infection control violations were found during the inspection conducted in relation to a permit application submitted by the licensee.

Dr. Hsu asked how long a time period for spore testing logs was requested; Ms. Seeley-Murphy replied logs were requested for 3 months but the licensee provided logs that indicate spore testing was only done 4 or 5 times in the 3 months. Dr. DuLong asked if the licensee's other locations were inspected; Ms. Seeley-Murphy stated yes and all other locations have received their permits.

Motion: **To offer a Consent Agreement for Probation for 6 Months to include the following remedial coursework:**

- **3 Hours: Infection Control**

If this agreement is not accepted by the licensee, the matter will be referred to prosecution.

Motion Made By: Ms. Jacyn Stultz

Second: Dr. Stephen DuLong

Discussion (cont'd): Dr. Batchelder suggested the Board formalize its standards on resolving infection control cases noting this licensee had multiple locations where infection control procedures were being followed. Ms. Sobel recommended a risk management course in lieu of an infection control course.

Amended Motion: **To offer a Consent Agreement for Probation for 6 Months to include the following remedial coursework:**

- **3 Hours: Risk Management**

If this agreement is not accepted by the licensee, the matter will be referred to prosecution.

Amended Motion Made By: Ms. Lois Sobel

Second: Dr. John Hsu

Vote: Unanimous

Discussion (cont'd): Ms. Grondin asked about the dental assistant at this location as the licensee claims the dental assistant was responsible for spore testing suggesting a complaint be opened against the dental assistant; Ms. Seeley-Murphy replied the dental assistant was not licensed as the time of the inspection. Ms. Grondin stated the dental assistant should be reported to DANB.

Complaint Resolution—Investigator Lisa Seeley-Murphy

--In the Matter of DEN-2014-0091: Dr. Rachana Vora

The licensee/co-practice owner was not present for the discussion and vote of the Board on this matter.

Allegation: Infection Control Violations

Discussion: Investigator Seeley-Murphy informed the Board this licensee was a co-owner with Dr. Varinos of several practice locations.

Motion: **To offer a Consent Agreement for Probation for 6 Months to include the following remedial coursework:**

- **3 Hours: Risk Management**

If this agreement is not accepted by the licensee, the matter will be referred to prosecution.

Motion Made By: Dr. Stephen DuLong

Second: Ms. Lois Sobel

Vote: Unanimous

Complaint Resolution—Investigator Lisa Seeley-Murphy

--In the Matter of DEN-2014-0092: Shannon Chambers, RDH

The licensee was not present for the discussion and vote of the Board on this matter.

Allegation: Infection Control Violations

Discussion: Investigator Seeley-Murphy informed the Board this licensee was employed as a hygienist by Dr. Varinos and Dr. Vora at the time of the inspection but no longer works for either licensee. Further, Ms. Seeley-Murphy stated the licensee was deficient 5 CEUs for the 2011-2013 licensure cycle and only completed an online CPR course. The licensee did not recertify in CPR/BLS for the 2013-2015 licensure cycle and completed 14 CEUs online for the 2013-2015 licensure cycle.

Ms. Stultz asked if the licensee provided an explanation as to her CPR/BLS issues; Ms. Seeley-Murphy stated the licensee did not.

Motion: **To offer a Consent Agreement for Stayed Probation for 3 Months to include the completion of a 6 hour, hands-on full certification in Basic Life Support for Healthcare Providers.**

If this agreement is not accepted by the licensee, the matter will be referred to prosecution.

Motion Made By: Ms. Jacyn Stultz

Second: Dr. Cynthia Stevens

Vote: Unanimous

O. General Session Minutes of February 4, 2015

Motion: **To adopt the General Session Minutes of February 4, 2015**

Motion Made By: Ms. Lois Sobel

Second: Dr. Stephen DuLong

Vote: **In Favor:** Dr. Keith Batchelder; Ms. Jacyn Stultz; Dr. Stephen DuLong; Dr. David Samuels; Dr. Cynthia Stevens
Opposed: None
Abstain: Dr. John Hsu; Dr. Ward Cromer; Ms. Kathleen Held; Ms. Lois Sobel

P. General Session Minutes of February 25, 2015

Motion: **To adopt the General Session Minutes of February 25, 2015**

Motion Made By: Dr. Stephen DuLong

Second: Dr. Cynthia Stevens

Vote: **In Favor:** Dr. Keith Batchelder; Dr. Stephen DuLong; Dr. David Samuels; Dr. Cynthia Stevens; Ms. Kathleen Held; Ms. Lois Sobel
Opposed: None
Abstain: Ms. Jacyn Stultz; Dr. John Hsu; Dr. Ward Cromer

At 11:37 a.m., Dr. Samuels announced that the Board will meet in closed session as authorized pursuant to M.G.L. c. 30A, §21(a)(1) for the purpose of discussing the reputation, character, physical condition or mental health, rather than the professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual. Specifically, the Board will meet in Executive Session and will discuss and evaluate the Good Moral Character as required for registration of pending applicant(s) for licensure. Additionally, the Board will discuss and evaluate pending disciplinary complaints that involve patient records and treatment of patients. The Board will also approve prior Executive Session minutes in accordance with M.G.L. c. 30A, §22(f). Executive Session is closed to members of the public, except as provided for in M.G.L. c. 30A, §21(a) (1). At the conclusion of the Executive Session, the Board will not return to the general session and will adjourn for the day.

Motion: At 11:38 a.m., to enter Executive Session pursuant to M.G.L. c. 30A, §21(a)(1)

Motion Made By: Dr. Stephen DuLong

Second: Dr. Cynthia Stevens

Vote: **In Favor:** Dr. Keith Batchelder; Ms. Lois Sobel; Dr. Stephen DuLong; Ms. Jacyn Stultz; Ms. Kathleen Held; Dr. Ward Cromer; Dr. David Samuels; Dr. John Hsu; Dr. Cynthia Stevens
Opposed: None
Abstain: None

The Board took its lunch recess at 12:40 p.m. and resumed its meeting at 1:19 p.m.

Motion: At 4:03 p.m., to leave Executive Session

Motion Made By: Ms. Lois Sobel

Second: Ms. Kathleen Held

Vote: **In Favor:** Dr. Keith Batchelder; Ms. Lois Sobel; Dr. Stephen DuLong; Ms. Jacyn Stultz; Ms. Kathleen Held; Dr. Ward Cromer; Dr. David Samuels; Dr. John Hsu; Dr. Cynthia Stevens
Opposed: None
Abstain: None

Motion: **At 4:04 p.m., to adjourn the meeting**

Motion Made By: Dr. Stephen DuLong

Second: Ms. Jacyn Stultz

Vote: **In Favor:** Dr. Keith Batchelder; Ms. Lois Sobel; Dr. Stephen DuLong; Ms. Jacyn Stultz; Ms. Kathleen Held; Dr. Ward Cromer; Dr. David Samuels; Dr. John Hsu; Dr. Cynthia Stevens
Opposed: None
Abstain: None

Respectfully submitted,

Ms. Ailish Wilkie, Board Secretary

Date